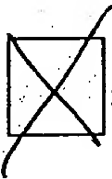


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,243	11/20/2001	Abbas Ben Afshari	1473.SME.NP	4901

26986 7590 11/01/2002

MORRISS, BATEMAN, O'BRYANT & COMPAGNI
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SALT LAKE CITY, UT 84101

EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,243

Applicant(s)

AFSHARI, ABBAS BEN

Examiner

Stephen M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 3-7, 11, 14-20, 22 and 24-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-10, 12, 13, 21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's election without traverse of species I (figs. 12A, 12B, and 12C) in Paper No. 6 is acknowledged.

Claims 3-7, 11, 14-20, 22, and 24-30 are withdrawn from consideration as being directed to non-elected species. Claim 3 claims "light-emitting member encapsulates at least a portion of said fiber optic member". Claim 5 claims "a protective cover at least partially encapsulates a portion of said fiber optic member". Claim 14 claims "a pin arm configured for attachment to a bow sight" and "a luminescent protective cover coupled to said fiber optic member and at least partially enclosing said fiber optic member". These features are not found in the elected embodiment (species I). Claims 1-2, 8-10, 12-13, 21, and 23 read on the elected invention and an action on these claims follows.

2. The substitute specification filed on has not been entered because it does not contain a statement that the substitute specification contains no new matter (see MPEP 608.01(q)).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8-10, 12-13, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bindon et al..

Bindon et al. discloses a sight comprising :

- | | |
|--|--------------|
| a) a pin guard defining a sight window, | 35 and/or 51 |
| b) a sight pin, | 26, 30 |
| c) a non-electric light emitting member, | 32 or 49 |

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d) an elongated fiber optic, and 60

e) a channel. see fig. 11

5. Claims 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bindon.

Bindon discloses a sight comprising:

a) an elongated fiber optic member, 33, 36

b) an elongated member attached to the member, and see fig. 3

c) a luminescent material. 48

6. Claims 1-2, 8-10, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Simo et al..

Simo et al. discloses a sight comprising :

a) a pin guard defining a sight window, 20, 30, 18

b) a sight pin, 123a, 123b, 123c, 151

c) a non-electric light emitting member, 141

d) an elongated fiber optic, and 123a, 123b, 123c

e) a channel. 39

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rasmussen, Weast, Williams, Stawarz, Annunziata, Sherman (394), Sherman (765), Shafer, Ellig, Wilson, Kay, Afshari, and Lorocco disclose other state of the art sights.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158.

The examiner can normally be reached on Tuesday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ

October 23, 2002